

State of Alaska
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATION, BUSINESS AND PROFESSIONAL LICENSING

BIG GAME COMMERCIAL SERVICES BOARD
Minutes of the meeting on Tuesday, January 22nd, 2019

By the authority of AS 08.01.070(2) and AS 08.86.030, and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Big Game Commercial Services Board was held in Anchorage at the Snowden Training Center on Tuesday, January 22nd, 23rd & 24th, 2019.

Written meeting minutes reflects a brief overview of the business conducted by the board during their meeting. For a more detailed account, please request a copy of the meeting recording.

The Chair brought the meeting to order at 9:16 am

Board Members Present Constituting a Quorum:

Henry Tiffany-Licenses Registered Guide-Board Chair
Larry Van Daele-Board of Game Representative
Michelle Heun-Licensed Transporter
Tom Sullivan-Public Member
Tom Harris-Private Land Owner @10:15
Jason Bunch-Registered Guide Outfitter

Board Members Absent:

Nicholas Jackson- Private Land Owner
Adam Trombley-Public Member-Vice Chair
Cash Joyce-Licensed Transporter

Staff Members present:

Dawn K Hannasch,-Records and Licensing Supervisor
Lee Strout-Investigator
Harriot Milks-Board Counsel @9:45 via teleconference

Members of the Public Present:

Mark Richards-Resident Hunters of Alaska
Sam Rohrer
Wayne Kubat
Jeff Burwell
Steve Perrins II
Lance Kronberger
Kane Olson
Mel Gillis
Tom Atkins

Nikki Potter

Ben Holbrook

Board Chair Tiffany stated that the only board member with an excused absence is Adam Trombley. His expectation is that all board member attend meeting and participate. This is thankless job, and if they can't be engaged they should think about moving on.

Agenda Item: Review Agenda

The board reviewed the agenda that was approved by Board Chair Henry Tiffany. Board member Tom Sullivan requested that the board consider reviewing applications and investigative issues telephonically or on a whole separate meeting. Mr. Tiffany stated that this will be something to consider in the future.

In a motion duly made by Larry Van Daele, seconded by Jason Bunch with unanimous consent, it was resolved to adopt the agenda as written.

Agenda Item: Ethics Review

There were no ethics to discuss or disclose.

Board Chair, Henry Tiffany introduced new board member, Tom Harris to the attendees. Mr. Harris occupies the vacant position on the board as a private land owner. His term will end on 3/1/2022.

Break: 10:40-10:47

Agenda Item: Statute/Regulation Subcommittee Report

The statute and regulations subcommittee Chair, Tom Sullivan presented the board with drafts of the changes that are being recommended by the subcommittee. Mr. Sullivan stated that he has already secured a Legislative sponsor for any statute changes that the board may like to make. Because this was a subcommittee meeting, Mr. Tiffany allowed for recommendations and open discussion from all attendees.

The subcommittee reviewed all suggested statute changes as a group, along with Board Counsel Harriot Milks.

Lunch Break: 12:00 pm- 1:25 pm

Agenda Item: Statute/Regulation Subcommittee Report

Returning from the lunch recess, Mr. Tiffany brought the groups attention back to the task of reviewing the suggested regulation changes.

Break: 2:50-3:05

Some of the items covered during today's statute discussion:

- Updating statutes regarding survivorship,
- Adding an exam for Class A & Assistant Guides
- Changing the wording in Sec 08.54.605 to "had an unsuspended fines totaling" and adding a domestic violence offence and any offense involving a firearm to this section
- Retired license
- Master Guide requirements
- Updating definitions

Some of the items covered during today's regulation discussion:

- Updating the background requirements, adding any country that the applicant has lived in.
- Waiving the deadline for RGO and GMU exam applications
- Annual license expiration
- Require transport applications include a background check
- Not require a copy of the hunt record in the field with the client
- Updating the definition and requirements of supervision in 12 AAC 75.240
- Continuing education requirements

Board Tiffany and the other members of the subcommittee commended subcommittee chair, Tom Sullivan on the massive undertaking that he and his team took to review and research the recommended changes. Mr. Tiffany stated that, to do such a massive overhaul on the statutes is not reasonable at this time. The subcommittee in attendance agreed that focusing on the survivorship portion of the statute project is the best course of action at this time. Mr. Tiffany stated that the board would take up the recommended survivorship, continuing education and master guide requirement changes during the agenda item "Statute/Regulations Update" tomorrow.

Recess 5:05

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These are DRAFT minutes prepared by the staff of the Division of Corporation, Business and Professional Licensing. These minutes have not been reviewed or approved by the Board.

Written meeting minutes reflects a brief overview of the business conducted by the board during their meeting. For a more detailed account, please request a copy of the meeting recording.

The Chair brought the meeting to order at 8:13 am

Board Members Present Constituting a Quorum:

Henry Tiffany-Licenses Registered Guide-Board Chair
Larry Van Daele-Board of Game Representative
Michelle Heun-Licensed Transporter
Tom Sullivan-Public Member via teleconference @ 8:50
Tom Harris-Private Land Owner
Jason Bunch-Registered Guide Outfitter
Cash Joyce-Licensed Transporter @ 9:00

Board Members Absent:

Nicholas Jackson- Private Land Owner
Adam Trombley-Public Member-Vice Chair

Staff Members present:

Dawn K Hannasch,-Records and Licensing Supervisor
Lee Strout-Investigator
Robert Auth-Department of Law

Members of the Public Present:

Mark Richards-Resident Hunters of Alaska
Sam Rohrer
Wayne Kubat
Jeff Burwell
Steve Perrins II
Lance Kronberger
Kane Olson
Mel Gillis
Tom Atkins
Nikki Potter
Ben Holbrook
Dan Montgomery

Agenda Item: Review Agenda

The board reviewed the day's agenda, hearing no changes, the Chair Tiffany moved the board's attentions onto the review of meeting minutes from 2018.

Agenda Item: Review/Approve Meeting Minutes:

In a motion duly made by Larry Van Daele, seconded by Jason Bunch, with unanimous consent, it was resolved to approve the drafted meeting minutes from July 26th, 2018, October 25th, 2018 & November 5th, 2018.

Agenda Item: Division Update/Fiscal Report:

Melissa Dumas, Administrative Officer II and Marylene Wales, CBPL Accountant III joined the meeting via teleconference from Juneau. Ms. Dumas reviewed the end of fiscal year 2018 report, ending with a surplus of just under \$93,000. Ms. Dumas and Ms. Wales also reviewed all of the indirect financial expenses for FY2018. Hearing no questions from the board, Ms. Dumas presented the board with fiscal year 2019 1st quarter findings. At this time the board's surplus is \$108,803. Ms. Dumas commended the board on its hard work, fiscal responsibility and good stewardship over the past few years, resulting in a positive fiscal balance. This turn around will afford the board the ability to have legal counsel present at all meeting and resume their plans of having the Spring meeting in Fairbanks starting in 2020.

Ms. Wales will provide the board with a fee analysis at their April 2019 meeting for review. This will give the board the opportunity to recommend fee changes, if any to the division.

Break 10:10-10:26

Agenda Item: Regulation Review:

Hearing nothing further, board chair Tiffany moved the board's attention onto the current regulations projects. Each draft and impute from the department of law was reviewed.

12 AAC 75.260 is amended by adding a new subsection to read:

(e) A contract may be amended at any time before the conclusion of the hunt with the signature of the contracting guide and the client.

In a motion duly made by Jason Bunch, seconded by Larry Van Daele with a roll call vote, it was resolved to amend 12 AAC 75.260(e) and send onto the regulations specialist for review.

Tom Harris – Yes

Cash Joyce – Yes

Larry Van Daele – Yes

Tom Sullivan – Yes

Jason Bunch – Yes

Michelle Heun – Yes

Henry Tiffany – Yes

In a motion duly made by Jason Bunch, seconded by Larry Van Daele with a roll call vote, it was resolved to strike (3) from 12 AAC 75.230(a) and send onto the regulations specialist for review.

Tom Harris – Yes
Cash Joyce – Yes
Larry Van Daele – Yes
Tom Sullivan – Yes
Jason Bunch – Yes
Michelle Heun – Yes
Henry Tiffany - Ye

12 AAC 75.230(a) will be amended to read:

The department will register an applicant in a guide use area if the applicant meets the requirements of AS 08.54.750 and this section. For each guide use area for which a registered guide-outfitter is registering, the registered guide-outfitter shall submit the following information on a form provided by the department:

the applicant's registered guide-outfitter license number;

(4) sworn statement by the applicant attesting to the required land use authorization;

(5) sworn statement by the applicant attesting to the ability to provide services on at least 5,000 contiguous acres of uplands in the guide use area requested

In a motion duly made by Jason Bunch, seconded by Larry Van Daele with a roll call vote, it was resolved to amend 12 AAC 75.230(a) and send onto the regulations specialist for review.

Tom Harris – Yes
Cash Joyce – Yes
Larry Van Daele – Yes
Tom Sullivan – Yes
Jason Bunch – Yes
Michelle Heun – Yes
Henry Tiffany – Yes

12 AAC 75.230(g) will be amended to read:

(g) A registered guide outfitter must register for three calendar years to obtain registration for guide use areas within Game Management Unit 9. Withdrawal from a guide use area within Game Management 9 can occur one time within the three years registration period, with the withdrawal or change to take effect on or after January 1 of the next calendar year as described in (c) of this section

In a motion duly made by Jason Bunch, seconded by Larry Van Daele with a roll call vote, it was resolved to amend 12 AAC 75.230(g) and send onto the regulations specialist for review.

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Tom Harris – Abstain-approved by the board chair

Cash Joyce – No

Larry Van Daele – Yes

Tom Sullivan – No

Jason Bunch – Yes

Michelle Heun – Yes

Henry Tiffany - Yes

12 AAC 75.400 is amended by adding a new subsection to read:

(e) During portions of a hunt, a transporter is exempt from transporter activity report filing requirements when providing transportation services for a client to, from, or in between sites operated by another transporter or registered guide who has contracted this same hunt with the same client

In a motion duly made by Michelle Heun, seconded by Cash Joyce with a roll call vote, it was resolved to amend 12 AAC 75.400(e) and send onto the regulations specialist for review.

Tom Harris – Yes

Cash Joyce – Yes

Larry Van Daele – Yes

Tom Sullivan – Yes

Jason Bunch – Yes

Michelle Heun – Yes

Henry Tiffany - Yes

12 AAC 75.920(b) is amended to read:

(b) For purposes of satisfying the hunting experience requirements in AS 08.54.620, the applicant must document at least 20 days of big game hunting activity in a calendar year in order to receive credit for one year. For the purpose of satisfying the guiding experience requirements in AS 08.54.620(a)(4)(A)(i), the applicant must document at least 60 days of big game guiding activity in three or more calendar years. Big game hunting activity includes working in a guide camp or under the supervision of a licensed guide while performing guide-related duties.

In a motion duly made by Jason Bunch, seconded by Larry Van Daele with a roll call vote, it was resolved to amend 12 AAC 75.920(b) and send onto the regulations specialist for review.

Tom Harris – Yes

Cash Joyce – Yes

Larry Van Daele – Yes

Tom Sullivan – Yes

Jason Bunch – Yes

Michelle Heun – Yes

Henry Tiffany - Yes

12 AAC 75.920(d)(4) is amended to read:

(4) has directly participated in the spotting, stalking, and subsequent harvesting of at least three big game animals [DURING A GUIDED HUNT] in this state;

In a motion duly made by Jason Bunch, seconded by Larry Van Daele with a roll call vote, it was resolved to amend 12 AAC 75.920(d)(4) and send onto the regulations specialist for review.

Tom Harris – No

Cash Joyce – No

Larry Van Daele – No

Tom Sullivan – No

Jason Bunch – No

Michelle Heun – No

Henry Tiffany - No

12 AAC 75.920 is amended by adding a new subsection to read:

(e) For the purposes of the requirements in AS 08.54.610(d)(1), a person who is licensed as a registered guide-outfitter may be employed by another registered guide-outfitter to provide the services of a class-A assistant guide, statewide, providing that the non-contracting registered guide has had at least 10 days hunting experience in the game management unit that they will be assisting the contracting guide in.

In a motion duly made by Jason Bunch, seconded by Larry Van Daele with a roll call vote, it was resolved to amend 12 AAC 75.920(e) and send onto the regulations specialist for review.

Tom Harris – Yes

Cash Joyce – Yes

Larry Van Daele – Yes

Tom Sullivan – Yes

Jason Bunch – Yes

Michelle Heun – Yes

Henry Tiffany - Yes

Agenda Item: Subcommittee meetings:

Exam rewrite subcommittee committee- Jason Bunch Chair

Mr. Bunch informed the board that the registered guide outfitters written exam has been over hauled. A big “thank you” was offered to committee member Loren Karro for all of her tireless work on the exam. The exam, at this time is 150 questions. The committee is working to pair that down to 130. The committee has also started to rewrite the 26 guide management unit exams. GMU exams one through

five have already been reviewed. The committee has begun the research needed to update those exams.

Regular meeting recessed at 1:44 – 2:28

Transport subcommittee – Michelle Heun Chair

Ms. Heun stated that she has been working alongside of Alaska State Wildlife Trooper Aaron Frenzel on the definition of “permanent structure”. Mr. Bunch and Ms. Heun stated that they both have had conversation with AWLT Aaron Frenzel. Mr. Bunch stated that after his conversation with Lt. Frenzel, it is his understanding that the AWLT would like more than just a definition of “permanente structure”. The troopers would like to see something that can’t come down, something that has been built by commonly known construction materials. A weather port is not a permanent structure as it is not meant to be kept all year, although there are some left up, it can be taken down in 24 hours and moved to a new location. If you have a structure that was meant to be left up all year round, built from material that is commonly known is the construction world (concrete, wood, alloy or aluminum). If a transporter owns a permanent structure that is on A DNR lease, they can rent those accommodation, because they own that permanente structure. Nikki Potter from DNR stated that anything that can be moved within 48 hours is considered temporary. Mr. Bunch reminded the group that this topic was only in regards to a transporter who has a cabin on a permanente site. Also for a private land holder that wants to rent accommodations to a big game hunter on their own land. These two exemptions are what we are speaking about. Mr. Tiffany asked why this definition would not apply to all license types. Mr. Bunch stated that the definition is only in regards to the exemption in Sec 08.54.785. After much discussion by the entire subcommittee, it was decided that Jason Bunch will provide a drafted position statement as a suggestion to the board at its April 2019 meeting.

Survivorship subcommittee – Tom Sullivan Chair

During the statute and regulation review on January 22nd 2019, the board reviewed the suggested changes. The Board has not decided to move forward yet due to the current political climate.

Assistant Guide Qualification – Adam Trombley – Chair

There was nothing to report

Statute & Regulation subcommittee – Tom Sullivan Chair

Mr. Sullivan stated that he believed that all topics had been thoroughly discussed and presented at the meeting the previous day. He had nothing to add.

In a motion duly made by Larry Van Daele, seconded by Jason Bunch with a roll call vote, it was resolved to adopt the amended position statement regarding the definition of permanent structure in Sec 08.54.785 and have staff post on the boards website for the public.

Cash Joyce – Yes

Larry Van Daele – Yes

Tom Sullivan – Yes

Jason Bunch – Yes

Michelle Heun – Yes

Henry Tiffany - Yes

Agenda Item: Public Comments

- Mark Richards – Executive Director of Resident Hunters of Alaska (RHAK)

Mr. Richards is representing approximately 2000 Alaskans and their families that support resident hunting as a priority as according to our State constitution. Mr. Richards thanked the board for review 17 consent agreements at its November meeting on the record. It was very helpful to the public that each violation was described. At the same time Mr. Richards was “flabbergasted” that the board believed some violations were not important or grievous. He stated that a one of the violations was a licenses that had forgotten to register for his GUA and then conducted six hunts and a board member said that “I know the guy, he just forgot, it’s not that big of a deal”. He agreed that these are not the real “bad apple” as others are. He stated that he would like to see the board penalize the real bad guys but it seems as though the processes is very slow. This makes the entire industry look bad. Mr. Richards will be meeting with a few different Commissioners regarding the concession program. RHAK has opposed the concession program thus far and no matter how anyone feels about it, it should go through the public process. It is the hope of RHAK that the board will also support it going through the proper public noticing process. Mr. Richards would also like the board to clarify the statement made by APHA “if the guide concession program goes through it will reduce the number of guides to pre _____ check levels.” I believe that they meant “contracting” guides. Please clarify how many it will go down to? With the changes the board is making to the unit nine regulations, it’s the first time we have ever seen he board try to limit guides even though you have always had the authority to do so. That should be done state wide, there are many more problems statewide, not just in unit nine. Also in 20, especially with sheep hunts. But this is one way that you can limit the impact that non-residents are having on our land and our wildlife population. I’m glad to see the board back in the black, I’m not sure how or where you get your travel funds, but not having a meeting in Fairbanks is crazy. If your budget allows it, please hold a meeting in Fairbanks if you budget allows for it. As for the title 8 changes you all discussed yesterday, you all would be totally nuts to open that up. RHAK would be there to testify against many of the issues, however if you want to just work on the survivorship issue, RHAK will not fight that. Mr. Richards also met with Boards and Commissions new Director, Gina Ritacco. Mr. Richards stated that RHAK supported the appointment of Mr. Bunch that he was a great guy and an asset to the board, however, they also believe that Mr. Joyce is a great guy and an asset to the board, however, the transporter seat should be filled with a transporter not someone that also has a guide license. Thank you all for your service and let me know what I can do to help.

- Thor Stacy – Alaska Professional Hunters Association

Mr. Stacy thanked the board for its service and recapped the board seats. He stated that he has come to really appreciate the seat that Mr. Larry Van Daele has more and more. Mr. Stacy stated that the board and industry should be very proud of the work that has been done to retire the deficit. We also appreciate the time and effort that has been put in by the division. Mr. Stacy explained the legislative process regarding the sunset authorization process and urged the board and the public to follow the process closely. The political process in Juneau is not really functioning right now. Mr. Stacy provided a few examples. Due to the instability in Juneau at this time, none of the pre filed legislation has been read or presented. The budget will be released February 15th. Because of the above issues, it is

not really a great atmosphere for doing large projects this year. Be prepared to a much slower process then normal with the sunset reauthorization process. APHA is a strong supporter of the BGCS Board, you all play a vital role for the industry and we appreciate your time and effort. We may not always support the conclusion or changes but we always support the efforts.

- Lance Kronberger – Licensed Registered Guide Outfitter

Mr. Kronberger stated that he believes that having to show an LAS permit to get a UVC would not be too troublesome and should be the requirement. If someone else attempts to use a UVC fraudulently, the tags will just go away and are not used for a re-draw. This could seriously hamper someone's business. Also, question number one, on all of the applications are a problem for many. People are being placed on probation for not answering it correctly. The question is not clear and needs to be re written. Troopers are issuing citations that are not considered serious, so we answer no on the app. If the issue doesn't show up on your background check, then you shouldn't have to answer yes on the application. On the survivorship drafted statute changes, there needs to be a changed to say "previously registered for GUA's". This will cover any hunts that are already booked for the next years. Would rather see this change in regulations not is statute, don't believe it will be worth the can of worms that will get opened.

- Sam Rohrer – Licensed Registered Guide Outfitter

Mr. Rohrer began his testimony by stating that he is the President of the Alaska Professional Hunters Association and a license guide in Alaska, however, his testimony would be as a private licensee only. Mr. Rohrer thanked the board for their service. Mr. Rohrer also thank staffed for their work. Mr. Rohrer commended the board on the use of position statements. These allow the board to respond to and clarify any misunderstanding with statutes and regulations. Position statements will help while changes are being made to statutes and regulations. Examples are supervision and packers license. Mr. Rohrer asked that the position statements and the board packet be available to the public on the board's website. He also recommended that the regulations projects listed on the website, have hyperlinks so that individuals can click on the purposed regulation and see the changes that have been purposed, vs the current regulation. Mr. Rohrer stated that he would like to see the board have a Facebook page. This will afford the board to provide important information; meeting and exam dates, specific changes and upcoming deadlines. The board has a challenge of getting information out to the public. Facebook is a free way to "get information out there" to the public. Many other agencies use social media, so it is doable. For example Department of Natural Resources has 27,000 followers, Alaska Fish & Game has over 24,000 followers. Other agencies have figured out how to make policy work for this tool, maybe the BGCS board could too. Mr. Rohrer complimented staff on the updates to the website.

- Mel Gillis – Licensed Master Guide Outfitter

Mr. Gillis thanked the board for their service. He then went on to read for the statute and regulations; 12 AAC 75.440(c) (13), allow buffer areas between camps to prevent disruption for hunters. Should be a five mile barrier, cut down to two in 2010. Everyone started putting up cabins and telling others that they can't hunt in the area. He would like to see a five mile barrier between permanente structures for guides and transporters for those that have had their permanente structure in 2010 and before. Mr. Gillis went on to provide a few examples to the board. Some of the areas in Alaska can't take the amount of hunts that are currently happening on the peninsula.

- Steven Perrins II – Licensed Registered Guide Outfitter

Mr. Perrins thanked the board for their service and stated that he is very happy with the board that we have at this time and thinks they are doing good work. Especially with the deficit. When looking at the cost analysis per board, it's striking how it cost us so much more to run our board. We are the 2nd highest grossing board. Why does it cost us so much more? Half of the boards were in the black and half were in a deficit. Thanks to Tom Sullivan for all of his hard work on the statute and regulations suggestion. If it were a different political climate, many of the changes would be good to put forth. With the survivorship issues, maybe instead of making the statute changes, just put the changes into the regulations. Simpler the better for legislators. No one is in opposition and its good will for everyone. Find a quicker and better way to get rid of the bad apples in the industry. It is very frustrating when you have many that are working hard to cross all of their "t" and dot all their "i" and then there are the continued offender. I would like to see the regulations get past. It shouldn't take four years to get these things changed. We could have a teleconference and include the board's legal counsel and the regulations specialist to help move the process on faster.

- Ben Holbrook – Licensed Registered Guide Outfitter

Mr. Holbrook wanted to bring 12 AAC 75.920(d) (4) qualification for assistant guide license, to the board's attention. This can limit qualified lifelong Alaskans from qualifying. It shouldn't matter how many if the person is qualified otherwise. We should let the RGO and MGO decide. Mr. Joyce stated that he agreed with Mr. Holbrook. Mr. Holbrook stated that this was an example of too much government.

Mr. Van Daele stated that he appreciated the way board chair Tiffany conducted the public comment portion of the meeting. The Roberts Rules of Order that talks about the board's interaction with the public will not be followed by this board. We need the process to also be constructive.

Break 3:15 – 3:30

Agenda Item: Investigations:

Board Chair, Henry Tiffany invited Chief Investigator Greg Francois to address the board and the public. Chief Francois explained the investigative process. He also explained that all complaints, suspected infractions and violations must have their due process. Sometimes that process may take more time than expected, however, this is not something that the board or division can accelerate. Investigator Strout explained that this program is very unique in many ways when it comes to investigations due to the relationship to the Alaska Wildlife Troopers. Inv. Strout stated that he looks at every single open case once a month to see if any progress has been made so that he can proceed according to the division's policy and procedures. Mr. Strout explained why we cannot take ominous completes. That the individual may be called to testify. Eventually we have to help the individual accountable and they have the right to confront their accuser. Staff directed the public attention to the investigative home page and how to get to it from the BGCS home page. Tom Atkins stated that the AWT are not enforcing the ethics portion of our regulations. Chair Tiffany responded that these have been ignored, mostly because we do not have precedence to support an ethics violation. We don't have a case history of individuals being held accountable for ethics violation. What we need to do is to start to build that precedent and start holding individuals accountable for the ethics portions of the violations as well as the wildlife violation. The reviewing board member needs to point this out to the investigator so that this information can be a part of the violation.

Next, Investigator Lee Strout provided the board with the current investigative report. For the time period of March 2nd, 2018 through November 26th, 2018 there were 72 cases opened and 62 closed? Some of the violations that were investigated are license application problems, violations of license regulations, criminal actions, unlicensed practice and falsified applications.

Hearing no questions from the board, Mr. Tiffany requested that Investigator Strout present each consent agreement file to the board.

In accordance with the provisions of Alaska Statute 44.62.310(c), I, Jason Bunch move to go into executive session for the purpose of discussing (2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion. Jason Bunch seconded the motion.

Executive session 4:35 – 6:10

Recess at 6:11

Board Chair Henry Tiffany recessed the meeting until 8:00 am on Wednesday, January 23rd, 2019

State of Alaska

DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT

DIVISION OF CORPORATION, BUSINESS AND PROFESSIONAL LICENSING

BIG GAME COMMERCIAL SERVICES BOARD

Minutes of the meeting on Thursday, January 24th, 2019

By the authority of AS 08.01.070(2) and AS 08.86.030, and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Big Game Commercial Services Board was held in Anchorage at the Snowden Training Center on Tuesday, January 22nd, 23rd & 24th, 2019.

These are DRAFT minutes prepared by the staff of the Division of Corporation, Business and Professional Licensing. These minutes have not been reviewed or approved by the Board.

Written meeting minutes reflects a brief overview of the business conducted by the board during their meeting. For a more detailed account, please request a copy of the meeting recording.

The Chair brought the meeting to order at 8:06 am

Board Members Present Constituting a Quorum:

Henry Tiffany-Licenses Registered Guide-Board Chair

Larry Van Daele-Board of Game Representative

Michelle Heun-Licensed Transporter

Tom Sullivan-Public Member

Tom Harris-Private Land Owner

Jason Bunch-Registered Guide Outfitter

Cash Joyce-Licensed Transporter

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Board Members Absent:

Nicholas Jackson- Private Land Owner
Adam Trombley-Public Member-Vice Chair

Staff Members present:

Dawn K Hannasch, -Records and Licensing Supervisor
Lee Strout-Investigator
Bob Auth-Board Counsel

Members of the Public Present:

Mark Richards-Resident Hunters of Alaska
Sam Rohrer
Wayne Kubat
Jeff Burwell
Bruce Buzby
Dan Montgomery
Gabe Davis
Steve Perrins II
Lance Kronberger
Kane Olson
Mel Gillis
Tom Atkins
Nikki Potter
Ben Holbrook

Agenda Item: Review Agenda

Board Chair, Henry Tiffany requested that the agenda be amended to include all of the outcome motions from the investigative review the night before. Each application and consent agreement was reviewed and a brief synopsis was provided to the public.

In a motion duly made by Jason Bunch, seconded by Michelle Heun with a roll call vote, it was resolved to grant an unrestricted assistant guide license to Mason King.

Tom Harris – Yes
Cash Joyce – Yes
Larry Van Daele – Yes
Tom Sullivan – Yes
Jason Bunch – Yes
Michelle Heun – Yes
Henry Tiffany - Yes

638 In a motion duly made by Jason Bunch, seconded by Michelle Heun with a roll call vote, it was
639 resolved to grant an unrestricted registered guide outfitter license pending the passing of the
640 RGO exams to Brian McKay.

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642 **Tom Harris – Yes**
643 **Cash Joyce – Yes**
644 **Larry Van Daele – Yes**
645 **Tom Sullivan – Yes**
646 **Jason Bunch – Yes**
647 **Michelle Heun – Yes**
648 **Henry Tiffany – Yes**

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650 In a motion duly made by Jason Bunch, seconded by Michelle Heun with a roll call vote, it was
651 resolved to approve an unrestricted assistant guide license to Derik Ford.

652
653 **Tom Harris – Yes**
654 **Cash Joyce – Yes**
655 **Larry Van Daele – Yes**
656 **Tom Sullivan – Yes**
657 **Jason Bunch – Yes**
658 **Michelle Heun – Yes**
659 **Henry Tiffany - Yes**

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661 In a motion duly made by Jason Bunch, seconded by Michelle Heun with a roll call vote, it was
662 resolved to approve an unrestricted assistant guide license to Kane Olson.

663
664 **Tom Harris – Yes**
665 **Cash Joyce – Yes**
666 **Larry Van Daele – Yes**
667 **Tom Sullivan – Yes**
668 **Jason Bunch – Yes**
669 **Michelle Heun – Yes**
670 **Henry Tiffany - Yes**

671
672 In a motion duly made by Jason Bunch, seconded by Michelle Heun with a roll call vote, it was
673 resolved to adopt the consent agreement for case number's 2016-001240 & 2018-001125 for
674 Michel J Bieri

675
676 **Tom Harris – Yes**
677 **Cash Joyce – Yes**
678 **Larry Van Daele – Yes**
679 **Tom Sullivan – Yes**
680 **Jason Bunch – Yes**
681 **Michelle Heun – Yes**
682 **Henry Tiffany - Yes**

683
684 **In a motion duly made by Jason Bunch, seconded by Michelle Heun with a roll call vote, it was**
685 **resolved to adopt the consent agreement for case number 2018-001182 for Paul F Malone**
686
687 **Tom Harris – Yes**
688 **Cash Joyce – Yes**
689 **Larry Van Daele – Yes**
690 **Tom Sullivan – Yes**
691 **Jason Bunch – Yes**
692 **Michelle Heun – Yes**
693 **Henry Tiffany - Yes**
694
695 **In a motion duly made by Jason Bunch, seconded by Michelle Heun with a roll call vote, it was**
696 **resolved to adopt the consent agreement for case number 2018-000407 for Tyler D O'Brien**
697
698 **Tom Harris – Yes**
699 **Cash Joyce – Yes**
700 **Larry Van Daele – Yes**
701 **Tom Sullivan – Yes**
702 **Jason Bunch – Yes**
703 **Michelle Heun – Yes**
704 **Henry Tiffany - Yes**
705
706 **In a motion duly made by Jason Bunch, seconded by Michelle Heun with a roll call vote, it was**
707 **resolved to adopt the consent agreement for case number 2015-002073 for Tom P Fisher**
708
709 **Tom Harris – Yes**
710 **Cash Joyce – Yes**
711 **Larry Van Daele – Yes**
712 **Tom Sullivan – Yes**
713 **Jason Bunch – Yes**
714 **Michelle Heun – Yes**
715 **Henry Tiffany - Yes**
716
717 **In a motion duly made by Jason Bunch, seconded by Michelle Heun with a roll call vote, it was**
718 **resolved to adopt the consent agreement for case number 2016-0006300 for Alan S**
719 **Hornberger**
720
721 **Tom Harris – Yes**
722 **Cash Joyce – Yes**
723 **Larry Van Daele – Yes**
724 **Tom Sullivan – Yes**
725 **Jason Bunch – Yes**
726 **Michelle Heun – Yes**
727 **Henry Tiffany - Yes**

728

729 In a motion duly made by Jason Bunch, seconded by Michelle Heun with a roll call vote, it was
730 resolved to adopt the consent agreement for case number 2017-000900 for Tyler S
731 Weyiouanna

732

733 **Tom Harris – Yes**

734 **Cash Joyce – Yes**

735 **Larry Van Daele – Yes**

736 **Tom Sullivan – NO**

737 **Jason Bunch – Yes**

738 **Michelle Heun – NO**

739 **Henry Tiffany - Yes**

740

741 In a motion duly made by Jason Bunch, seconded by Michelle Heun with a roll call vote, it was
742 resolved to adopt the consent agreement for case number 2018-001255 for Daniel
743 Montgomery

744

745 **Tom Harris – Yes**

746 **Cash Joyce – Yes**

747 **Larry Van Daele – Yes**

748 **Tom Sullivan – Yes**

749 **Jason Bunch – Yes**

750 **Michelle Heun – Yes**

751 **Henry Tiffany - Yes**

752

753 In a motion duly made by Jason Bunch, seconded by Michelle Heun with a roll call vote, it was
754 resolved to adopt the consent agreement for case number 2018-001426 for Tracy J Vrem

755

756 **Tom Harris – Yes**

757 **Cash Joyce – Yes**

758 **Larry Van Daele – Yes**

759 **Tom Sullivan – Yes**

760 **Jason Bunch – Yes**

761 **Michelle Heun – Yes**

762 **Henry Tiffany - Yes**

763

764 In a motion duly made by Jason Bunch, seconded by Michelle Heun with a roll call vote, it was
765 resolved to accept the stipulation for revocation for Master Guide license number GUIM152,
766 belonging to Brian L Simpson, case number 2017-000240

767

768 **Tom Harris – Yes**

769 **Cash Joyce – Yes**

770 **Larry Van Daele – Yes**

771 **Tom Sullivan – Yes**

772 **Jason Bunch – Yes**

Michelle Heun – Yes

Henry Tiffany - Yes

Agenda item: Subcommittee Reports:

The reports were provided during the subcommittee meeting while the board was on the record.

Agenda Item: Regulation Review:

- Proposed regulations changes (continuing education)
- Harvest vs Take: Jason Bunch presented a drafted position statement to the board. On the hunt records it says “harvest” but in the statutes and regulations is “harvest”.
- Master Guide Requirements

Agenda Item: State & Federal Agency Updates:

- Alaska Department of Fish and Game

The new Director of ADF&G, Eddy Grasser from ADF&G was unable to join the meeting. Board member Larry Van Daele was able to provide an update. Mr. Van Daele stated that the Acting Commissioner, Doug Vincent Lang was approved by both the Board of Game and the Board of Fish to be put forth to the legislators and the Governor as the new Commissioner. His office will be housed between Juneau and Anchorage. During his testimony, Commissioner Vincent Lang, stated that his philosophy as Commissioner will be centered around the North American model, that wildlife is a public trust. He believes strongly in State management over federal management. Food and cultural security are very important to him as Commissioner and that all users, including subsistence depends on having plenty of animals. Active management is higher in his book than passive management. He believes that his biggest challenge will be finding a balance between various user groups. Especially on the sport fishing side. The new Director, Eddy Grasser expressed to the Board of Game, that his highest priority is increased communication between the user groups. Rick Green is the new communication specialist. His office is in Anchorage, and will focus on communication with hunting groups. All are encouraged to reach out to any of the individuals mentioned in this statement.

- Department of Natural Resources – John Forbes & Cliff Larson & Nikki Potter

There are many types of permits. Permits are temporary and revocable. We have day use permits, land use permits, commercial/recreational permits, etc. As of July 2018 all fees were updated. There is a link on the DNR website with all updated information. A reminder letter with the changes about user fees went out. We are working to identify user groups and update our systems to accommodate them. We are working to have consistency throughout our different offices. Jason Bunch thanked DNR for always answering their phone and having the requested information handy. He is also happy to see DNR is getting on top of their permittees and to put eyes on them. We may get to a buffer area in the future. That’s down the road, but with how you all are holding people accountable now encourages me for the future. Mr. Van Daele stated that he appreciated how user friendly the DNR website is and appreciate it. Bear bait permits, for commercial use. How long can you leave your bait out for, where? John Forbes stated that DNR is working on their commercial permits. Cliff Larson stated that DNR is working to make

the requirements are reasonable. He also stated that the first thing their office does when an application is received is to verify that they have a current business license.

- Mental Health Trust – David Griffin

Mr. Griffin, provided some history to the board about the mental health trust. He stated that the staff works for the trust and not the public; similar to how the Native Corporations work. The trust manages 1 million acres of Alaska land and started managing this last pre-statehood, in 1956. The Trust generates revenue to pay for mental health treatments for Alaskans. A large part of their job is land stewardship. Mr. Griffin stated that the Trust is beginning the process of looking into the possibility of a program where guides could obtain a permit to guide on mental trust land in the future.

Break 10:35 – 10:47

- Board of Game – Larry Van Daele

Mr. Van Daele provided an update from last week's Board of Game meetings. Trapping prohibitions were discussed, the board's stance is that we prefer that the community work with the trappers instead of the BOG getting involved. Until he communities work together we are not going to promulgate any new regulations. The BOG also encourages trappers to keep track of their equipment so that domestic animals are not harmed. Other proposals that were discussed were trap identifications, allowing the shooting of big game animals from boats, no longer needing to salvage the meat on deer ribs, and changing black bear salvage requirements. All of these topics failed. One of the big changes came with black bears and 2nd degree of kindred hunters. Black bear hunting in Alaska is regulated in a unique way. It was decided that 2nd degree of kindred hunters are non-guided resident hunters. There were no updates from any federal agency. Another large topic of discussion was the real possibility of moose ticks coming into the country. They are devastating moose populations in the lower 48 and Canada. Mr. Van Daele encouraged the public to look into moose tick and make themselves familiar with them. They may be making their way in to the moose populations via mule and white tail deer. More information in the March meeting about the moose ticks. The I-moby virus in sheep were also covered. The BOG would like to see the regulation flow chart on the BGCS board web site. Board staff will make that available. The BOG was very pleased to see that the BGCS board is "in the black". Their next meetings will be in March. The BOG also has one vacancy on the board at this time.

Agenda Item: Sunset Audit Review:

- Sunset Audit

Corporations, Business & Professional Licensing Division Director Sara Chambers joined the meeting at 10:58 am to discuss the board's sunset audit report. Director Chambers wanted to be available to the board to discuss the sunset audit, House Bill 19, Senate Bill 18, or any other topic that the board would like to hear from Division management on. Ms. Chambers explained the reason for sunset audits and she went through each finding on the sunset audit in detail. Ms. Chambers also mentioned that the Board has retired its deficit and is moving forward toward a sound financial future. The next step will be a sponsor putting forth a bill to extend the board. Board chair Henry Tiffany reiterated his comments from the day before that the investigative process for this program, many times is dependent on other outside agencies completing their part first. The other delay with investigations can be the reviewing board member is out in the field. This is all beyond the investigators control. But these things give a

false sense of delay in our internal investigations. Mr. Tiffany stated that the board, public and licenses are all very pleased with the final outlook of this program.

- House Bill 19 & Senate Bill 18

The board reviewed HB19 the water taxi bill and SB18 the drone bill. This is the same bill that was put forth last session as House Bill 263 which this board send a letter of opposition to Representative's Knopp, Wilson, Seaton and Grenn for. After reviewing HB19 and SB18 and much discussion it was decided to provide letters to the bill sponsor's. Board member Cash Joyce stated his support for House Bill 19. Ms. Chambers encouraged the board chair to contact the bill sponsor and explain why the board opposes the bill as written and explain what suggesting they would like to see.

In a motion duly made by Tom Harris and seconded by Larry Van Daele, with a roll call vote, it was resolved that Larry Van Daele will draft the boards letter of opposition regarding House Bill 19.

Tom Harris – Yes

Cash Joyce – Yes

Larry Van Daele – Yes

Tom Sullivan – Yes

Jason Bunch – Yes

Michelle Heun – Yes

Henry Tiffany – Yes

Lunch 12:01 – 1:20

In a motion duly made by Henry Tiffany and seconded by Michelle Heun, with a roll call vote, it was resolved that Larry Van Daele will draft the boards letter of opposition regarding Senate Bill 18.

Cash Joyce – Yes

Larry Van Daele – Yes

Tom Sullivan – Yes

Jason Bunch – Yes

Michelle Heun – Yes

Henry Tiffany – Yes

Tom Harris-ABSENT

Agenda Item: Regulation Review (continued):

- Felons & Firearms

It is the boards opinion that to be a licensed guide, for the safety of our clients that those with a felony conviction and may not, by Federal law carry a fire arm, may not be granted a guide license. 12 AAC 75.340 (d)(2) Professional Ethics for guides states that a guide states that a guide must use any lawful means, the board believes it is implied that a gun would be needed. The board reviewed the Attorney General's opinion. Mr. Tiffany read the statement into the record. Because federal law trumps state law, the board can not authorize a license to carry a fire arms and there for unable to meet the ethical

standards of 12 AAC 75.340 (d) (2). Board counsel encouraged the board to provide a policy or position statement for the website.

In a motion duly made by Larry Van Daele, seconded by Michelle Heun, with a roll call vote it was resolved to have Board Member Jason Bunch draft a position statement regarding felons and firearms.

Tom Harris – ABSENT

Cash Joyce – Yes

Larry Van Daele – Yes

Tom Sullivan – Yes

Jason Bunch – Yes

Michelle Heun – Yes

Henry Tiffany – Yes

Agenda Item: New Business:

Hearing nothing further, Board Chair Henry Tiffany moved the board's attention to new business. It was decided that the topic of UVC's and training sanctions will be pushed forward to the April meeting.

- Board approved training

Staff brought the list of "Board approved training" on the program website to the boards attention. Records and Licensing Supervisor Dawn Hannasch state that at this time the board has no guidance as to how one would qualify for a training program approved by the board. The information on the website is outdated as well. The board has directed staff to remove the information and to contact the individuals to request a syllabus of their training program. Board member Jason Bunch and Records and Licensing Supervisor Dawn Hannasch will work to providing a draft to the board of a "pathway" to board approved training programs.

In a motion duly made by Michelle Heun, seconded by Tom Harris, with a roll call vote it was resolved to remove all board approved training from the program website at this time, and the individuals contacted by staff.

Tom Harris – Yes

Cash Joyce – Yes

Larry Van Daele – Yes

Tom Sullivan – Yes

Jason Bunch – Yes

Michelle Heun – Yes

Henry Tiffany – Yes

- Completion of hunt records

Board Chair Henry Tiffany reminded the public and licenses of their responsibility to correctly complete hunt and transport records. Some of the consequences that may follow is penalties for late filing, but also the Class A and Assistant guides count on us completing these with their names and correct license numbers to have proof of their 125 days in the field so that they qualify for the RGO license and exams. Packers are not tracked in the hunt record data base because they don't have a license. The Board

requested that staff place information on the website to remind RGO/MGO of the importance of completing hunt records with the assistant's names and license numbers.

Agenda Item: Regulation Review (continued):

- Continuing education

Board chair Henry Tiffany requested that the board review the purposed regulation change regarding continuing education for renewal of licensure. Mr. Tiffany reminded the board and the public that knowledge is power and an engaged industry is a more powerful industry. Other licensed professions are required to obtain continuing education in their industry. It seems as though it's the same 20 licenses that are representing the industry, the same 20 every time. I want to encourage people to become engaged in their industry.

Break 2:33 – 2:40

Break 2:48 – 3:02

In a motion duly made by Michelle Heun, seconded by Larry Van Daele, with a roll call vote it was resolved to accept the continuing education regulations as drafted and send on in the process.

Tom Harris – NO

Cash Joyce – Yes

Larry Van Daele – Yes

Tom Sullivan – Yes

Jason Bunch – Yes

Michelle Heun – Yes

Henry Tiffany – Yes

Add (5) to 12 AAC 75.340(f), "Continuing Education", which states: In order for any current, or newly, licensed Registered or Master Guide to renew their Registered or Master Guide license they must document continuing education in their field and/or this industry. To fulfill this obligation, a licensee, at least once every two year licensing period, must attest to attending and/or participate in; weather in person, video conference, written comments or telephonically in any of the following:

- Documented attendance at an ADF&G Advisory Committee meeting
- Documents attendance at an Federal Subsistence board meeting
- Documented attendance at a Alaska Board of Game meeting
- Documented attendance at a Big Game Commercial Services Board meeting
- Certified educational courses that are directly applicable to big game guiding or transporting industry
- Documented Big Game Commercial Services Board exam proctoring
- Serve or attend a nationally recognized hunting or trapping organization

Break 2:48 – 3:02

Agenda Item: State and Federal Agency Reports:

- Lt. Aaron Frenzel – Alaska Wildlife Trooper

Lt. Frenzel reported to the board that the AWT are seeing a rise in “larger” more serious cases in the industries. To go along with that rise, Judges are taking a much harder line on violators. Lt. Frenzel encouraged the public to report violators. This is everyone’s job. The violators cannot be reprimanded and our natural resources protected if the authorities do not know about it. A few of the issues that are repeat findings are guides working outside of the registered areas and working with an expired license. Lt. Frenzel stated that at this time, there are 88 funded positions with 9 vacancies. We have a new Director, Doug Massey. We are also moving the 80 foot vessel from Ketchikan to Juneau. Where it will be of the best use to the AWT. Lt. Frenzel stated that Aaron Peterson, is the wild life prosecutor with the Alaska Wild Life Troopers and handles a very large case load and could use another person to manage the case load more effectively.

- Master guide license requirements

In a motion duly made by Larry Van Daele, seconded by Michelle Heun with unanimous consent, it was resolved to move the agenda item “Master guide license requirements” to the April 2019 meeting.

Agenda Item: Regulation Review (continued):

Board Chair Henry Tiffany brought the board’s attention back to the drafted position statement on “harvest vs take”. Mr. Tiffany thanked Mr. Bunch for his work on this and the other position statements.

In a motion duly made by Larry Van Daele, seconded by Tom Harris, with a roll call vote, it was resolved to have Jason Bunch draft the positions statement and present it to the board at its April 2019 meeting.

Tom Harris – Yes

Cash Joyce – Yes

Larry Van Daele – Yes

Tom Sullivan – Yes

Jason Bunch – Yes

Michelle Heun – Yes

Henry Tiffany – Yes

Agenda Item: Administrative Business:

The board authorized staff to offer the guide management unit exams in July each year as well as in March & December.

Alaska Big Game Commercial Services Board
January 22nd, 23rd & 24th, 2019

The next board meeting and exams will be held in Anchorage, April 2nd, 3rd & 4th, 2019.

The meeting was adjourned at 3:40 pm

After the meeting adjourned, Sr. Investigator, Amber Whaley provided confidential investigative training for the board members.

Respectfully Submitted,

Dawn K Hannasch
Records and Licensing Supervisor

Date

Henry Tiffany
Board Chair

Date